



# ARIZONA HOUSE OF REPRESENTATIVES

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## **HB2865: human services; 2022-2023**

**Sponsor: Representative Cobb (with permission of committee on Rules), LD 5  
Caucus & COW**

### **Overview**

Contains session law provisions relating to human services needed to implement the FY 2023 budget.

### **History**

#### ***Arizona Independent Living Program***

[A.R.S. § 8-521](#) establishes Arizona's Independent Living Program and the Educational Case Management Unit within the Department of Child Safety (DCS). The Independent Living Program provides services to youth who are subject of a dependency petition or adjudicated dependent and meet the following requirements: 1) in DCS custody, licensed child welfare agency or tribal child welfare agency; 2) at least 17 years old; and 3) employed or full-time students.

DCS, a licensed child welfare agency or tribal child welfare agency must provide the cost of care for each youth placed in an independent living program. The monthly amount provided must not exceed the average monthly cost of purchased services for the child in the three months immediately preceding placement in an independent living program.

#### ***Temporary Assistance for Needy Families***

The Temporary Assistance for Needy Families (TANF) Block Grant is used to: 1) provide assistance to needy families so that children may be cared for in their own homes or in homes of relatives; 2) end the dependence of needy parents on government benefits by promoting job preparation, work and marriage; 3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and 4) encourage the formation and maintenance of two-parent families ([42 U.S.C. 601](#)). The Arizona Department of Economic Security (DES) utilizes TANF funding to provide temporary financial assistance to dependent children in their own homes or in the homes of responsible caretaker individuals.

According to the Joint Legislative Budget Committee, the FY 2023 [Baseline Book](#) continues a provision allowing DES to drug test TANF recipients if there is a reasonable suspicion that they are using illegal drugs. This provision was included in the FY 2022 Health Budget Reconciliation Bill ([Laws 409, Chapter 409](#)).

#### ***Developmental Disabilities Assistance and Bill of Rights Act (Act)***

The purpose of the Developmentally Disabled Assistance and Bill of Rights Act (Act) is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports and other forms of assistance that promote self-determination, independence, productivity, integration and inclusion in all facets of community life through culturally competent programs ([42 U.S.C. § 15001](#)).

## **Provisions**

### ***Independent Living Program***

1. Sets the minimum monthly stipend for foster youth enrolled in the Independent Living Program to be no less than \$1,200. (Sec. 1)

### ***Developmental Disabilities Group Home Monitoring Pilot Program (Program)***

2. Establishes the Program within DES. (Sec. 3)
3. Instructs DES to oversee the Program for three years and contract with the entity that has been designated by the state to conduct the Program and to operate the protection and advocacy system for persons with developmental disabilities in Arizona, in accordance with the Act. (Sec. 3)
4. Requires, by January 1, 2023, the Program designated entity to:
  - a) Monitor in-person the group homes providing services to clients with complex needs to determine, at a minimum, whether:
    - i. The client with complex needs receives the services identified in the client's person-centered service plan, including medication monitoring and habilitation treatment, as applicable;
    - ii. The provision of services identified in the person-centered service plan of the client with complex needs has been effective in addressing the client's complex needs;
    - iii. The services have resulted in a reduction in behaviors that interfered with the ability of the client with complex needs to live safely in the community; and
    - iv. All physical interventions have complied with the behavioral treatment plan of the client with complex needs and applicable state law. (Sec. 3)
5. Directs, by January 1, 2023, the Program designated entity to:
  - a) Investigate quality-of-care complaints received by the designated entity concerning any group home funded by DES; and
  - b) Compile a comprehensive report of all observations and outcomes during the preceding year. (Sec. 3)
6. Requires DES to educate service providers on the requirements of the Program and the role of the designated entity. (Sec. 3)
7. Instructs the designated entity, by December 31, 2025, to report to the Governor, President of the Senate, Speaker of the House of Representatives and provide a copy of the report to the Secretary of State (SOS) regarding the observations and outcomes of the Program and any recommendations for service improvements. (Sec. 2)
8. Repeals the Program January 1, 2027. (Sec. 4)

### ***DES Group Home Incident Report***

9. Outlines the information to be included in the Group Home Incident Report. (Sec. 2)
10. Requires, by January 1, 2024, DES to provide the annual Group Home incident report to:
  - a) The Chairpersons of the Health and Human Services Committees of the Senate and House of Representatives or their successor committees;
  - b) Directors of the Department of Health Services and Arizona Health Care Cost Containment System;
  - c) The designated entity conducting the Program; and
  - d) Provide a copy to the Secretary of State. (Sec. 2)

***Quality-Of-Care Complaints Referral System***

11. Directs DES, by January 1, 2023, to establish an expedited referral system to ensure that copies of all quality-of-care complaints are forwarded to the designated entity for investigation. (Sec. 2)
12. Requires DES to identify quality-of-care complaints related to abuse, neglect and client safety as priorities for investigation. (Sec. 3)
13. Specifies that if the designated entity substantiates an allegation in a quality-of-care complaint, the information must be provided to DES who will share the allegation with the service provider and the Independent Oversight Committee on Persons with Developmental Disabilities. (Sec. 3)

***TANF Drug Testing***

14. As session law, requires DES to screen and test each adult recipient who is eligible for TANF cash benefits and who DES has reasonable cause to believe engages in the illegal use of controlled substances. (Sec. 5)
15. As session law, specifies that any TANF recipient who tests positive for the use of a controlled substance that was not prescribed for the recipient by a licensed health care provider is ineligible to receive benefits for a period of one year. (Sec. 5)

***Miscellaneous***

16. Defines terms.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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